

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

STONINGTON PARTNERS, INC., a Delaware Corporation, STONINGTON CAPITAL APPRECIATION 1994 FUND L.P., a Delaware Partnership and STONINGTON HOLDINGS, L.L.C., a Delaware limited liability company,  
Plaintiffs,

v.  
DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,  
Plaintiffs,

v.  
DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC and JMBAKER LLC,  
Plaintiffs,

v.  
DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**PLAINTIFFS' RESPONSE TO COURT'S JANUARY 23, 2007 ORDER**

Plaintiffs in the above-captioned actions respectfully respond to the Court's January 23, 2007 order as follows. Plaintiffs' Motion for Reconsideration of the Portion of the Court's July 10, 2006 Order Denying Plaintiffs' Motion to Compel Dexia Bank Belgium to Produce Piet Cordonnier for Deposition filed on July 24, 2006 (#144 in 04-cv-10411, #165 in 04-cv-10477, and #147 in 04-cv-10501) (the "Motion for Reconsideration") seeks reconsideration by United States Magistrate Judge Collings' of his July 10, 2006 decision and order on the basis of new information obtained in discovery after the submission of Plaintiffs' Motion to Compel Depositions of Dexia Bank Belgium

Through Piet Cordonnier, Bart Ferrand, and Peter Rabaey, which was argued before the Court on December 23, 2005. Plaintiffs respectfully submit that the new information presented in the Motion for Reconsideration demonstrates that Mr. Cordonnier is Dexia's managing agent for purposes of the matters at issue in this litigation.

Dated: January 24, 2007

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP**

/s/ Avi Josefson  
Max W. Berger  
Steven B. Singer  
Avi Josefson  
(avi@blbglaw.com)  
1285 Avenue of the Americas  
New York, NY 10019  
Telephone: (212) 554-1400

**LOONEY & GROSSMAN LLP**

Richard J. Grahn, BBO #206620  
Charles P. Kindregan, BBO #554947  
101 Arch Street  
Boston, MA 02110  
Telephone: (617) 951-2800

*Counsel to Plaintiffs Stonington Partners, Inc.,  
Stonington Capital Appreciation 1994 Fund L.P.  
and Stonington Holdings L.L.C.*

**GREGORY P. JOSEPH LAW OFFICES LLC**

/s/ Susan M. Davies  
Gregory P. Joseph, N.Y. Atty Reg. #1645852  
Susan M. Davies, N.Y. Atty Reg. #2413508  
(sdavies@josephnyc.com)  
805 Third Avenue, 31st Floor  
New York, NY 10022  
Telephone: (212) 407-1200

**KOTIN, CRABTREE & STRONG**

Amy C. Mainelli, BBO #657201  
One Bowdoin Square  
Boston, MA 02114  
Telephone: (617) 227-7031

*Counsel to Plaintiffs Gary B. Filler and Lawrence  
Perlman, Trustees of the TRA Rights Trust*

**PARTRIDGE, ANKNER & HORSTMAN LLP**

/s/ Terence K. Ankner  
Terence K. Ankner, BBO #552469  
(tka@anknerlaw.com)  
200 Berkeley Street, 16th Floor  
Boston, MA 02116  
Telephone: (617) 859-9999

**BOIES SCHILLER & FLEXNER**

Karen C. Dyer  
George R. Coe  
225 South Orange Avenue, Suite 905  
Orlando, Florida 32801  
Telephone: (407) 425-7118

**REED SMITH LLP**

Alan K. Cotler  
Joan A. Yue  
Steven T. Voigt  
2500 One Liberty Place 1650 Market Street  
Philadelphia, PA 10103  
Telephone: (215) 851-8100

*Counsel to Plaintiffs Janet Baker, James Baker,  
JKBaker LLC and JMBaker LLC.*

CERTIFICATE OF SERVICE

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ Susan M. Davies  
Susan M. Davies  
N.Y. Atty Reg. #2413508